

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,085	05/15/2001	Ali Sheikh	SIDR001USO	2540

48746 7590 09/07/2005

LAW OFFICE OF WILLIAM N. HULSEY
2000 CANONERO
AUSTIN, TX 78746

EXAMINER

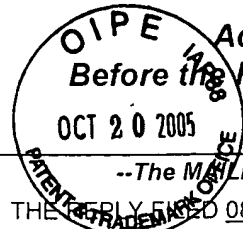
GELAGAY, SHEWAYE

ART UNIT PAPER NUMBER

2133

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/858,085

Applicant(s)

SHEIKH ET AL.

Examiner

Shewaye Gelagay

Art Unit

2133

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE FIRST REPLY FILED 08 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 16-28 and 35-37.

Claim(s) withdrawn from consideration: 29-34.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

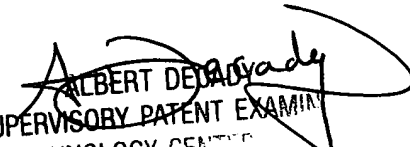
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____

ka

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argues both Ko et al. (U.S. Patent 6,789,202) and Rothermel et al. (U.S. Patent 6,678,827) are very broad in their discussion of network security and do not teach tracking and reporting the contents of system files. The Examiner disagrees and maintains all the rejections.

Ko et al. teach an intrusion detection system for a networked computer systems or files (Col. 6, lines 10-12) which can be configured dynamically by analyzer to detect specific security-related events and local intrusions within the assigned portion of networked computer system. (Col. 5, lines 40-46; dynamically detect specific security-related events and local intrusions is the same as tracking of system changes). The system compiles the global policy into local policies for local regions of the networked computer system. Each local policy specifies at least one rule in the form of a local security condition for an associated local region of the networked computer system and a local response to be performed in response to the local security condition. (Col. 1, lines 66-67 and Col. 2, lines 1-19) Ko et al. further disclose an application program in charge of configuring, monitoring and taking actions involved in providing security within networked computer system. And a local intrusion detection component that monitors activity in an assigned portion of networked computer system. (Col. 3, lines 32-40) Rothermel et al. also discloses storing aggregated network security information by the manager device (Col. 8, lines 23-25) and retrieving and analyzing the network security information by the manager device. Furthermore, Rothermel et al. disclose reporting the results from the first server to the user. (Col. 3, lines 1-2; the network security information can be displayed to users such as system administrators. Accordingly, both Ko et al. and Rothermel et al. disclose detailed network policy and intrusion detection system that monitors and report changes in the network systems or files. The Examiner asserts that the modification of Ko et al. by Rothermel et al. teaches the claimed limitations.


ALBERT DEADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER